

**In The United States Patent and Trademark Office  
On Appeal From The Examiner To The Board  
of Patent Appeals and Interferences**

In re Application of: Ralph F. Greene et al.  
Serial No.: 08/425,766  
Filing Date: April 19, 1995  
Examiner: Marc E. Norman  
Group Art Unit: 3744  
Appeal No.: 2000-0918  
Title: *Method and Apparatus for Disposing of Waste Material*

**Mail Stop: Appeal Brief**  
Commissioner for Patents  
P.O. Box 1450  
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Willie Jiles

Willie Jiles

Date: November 16, 2005

**Reply Brief**

Appellants respectfully submit this Reply Brief under 37 C.F.R. § 41.41(a)(1) in response to the Examiner's Supplemental Answer mailed September 26, 2005.

By way of background, on June 28, 1999, Appellants filed a Notice of Appeal from the Examiner's Final Office Action mailed March 30, 1999. Appellants subsequently filed an Appeal Brief on August 30, 1999, explaining why the final rejection was improper. The Examiner mailed an Answer to Appellant's Appeal Brief on December 31, 1999, and Appellants filed a Reply Brief in response to the Examiner's Answer on February 22, 2000. On February 28, 2002, the Board issued an Order requiring Appellants to file a Supplemental

Appeal Brief addressing the Federal Circuit's decision in *Pannu v. Storz Instruments, Inc.*, handed down July 25, 2001, and its impact on the final rejection on appeal. 258 F.3d 1366, 59 U.S.P.Q.2d 1597 (Fed. Cir. 2001). Appellants filed the required Supplemental Appeal Brief on April 9, 2002. On July 31, 2003, the Board remanded the present application to the Examiner to determine whether the final rejection on appeal was appropriate under the Board's precedential opinion in *Ex Parte Eggert*, decided May 29, 2003. 67 U.S.P.Q.2d 1716 (Bd. Pat. App. and Interf. 2003).

In response to the remand, the Examiner mailed a Supplemental Answer on January 14, 2005, maintaining the final rejection here on appeal. In response to the Supplemental Answer, Appellants filed a Reply Brief on March 14, 2005. On September 2, 2005, the Board issued an order requiring the Examiner to correct certain omissions in the Supplemental Answer mailed January 14, 2005. In response to the order, the Examiner mailed another Supplemental Answer on September 26, 2005.

**Argument**

The more recent Supplemental Answer mailed September 26, 2005, is substantively identical to the previous Supplemental Answer mailed January 14, 2005. Appellants fully responded to the previous Supplemental Answer in the Reply Brief filed March 14, 2005. The only difference between the more recent Supplemental Answer and the previous Supplemental Answer is that the more recent Supplemental Answer includes the initials of the participants in the Appeals Conference held by the Examiner, whereas the previous Supplemental Answer improperly omitted the same initials.

Because the more recent Supplemental Answer is substantively identical to the previous Supplemental Answer and because Appellants fully responded to the previous Supplemental Answer in the Reply Brief filed March 14, 2005, Appellants reiterate the remarks set out in the Reply Brief filed March 14, 2005.

**Conclusion**

Appellants have demonstrated that the present invention, as claimed, complies with all statutory requirements for a U.S. Patent. Therefore, Appellants respectfully request the Board to reverse the final rejection of the Examiner and instruct the Examiner to issue a Notice of Allowance with respect to all pending claims.

Appellants believe no fees are due. Nonetheless, the Commissioner is hereby authorized to charge any fee and credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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Date: November 16, 2005

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